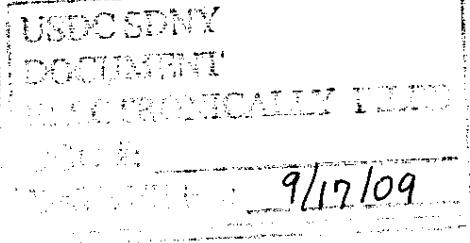


**PROSKAUER ROSE LLP**



September 11, 2009

**Via Hand Delivery**

Honorable William H. Pauley III  
United States Courthouse  
500 Pearl Street, Room 2210  
New York, New York 10007

Re: Annette Smith v. National Basketball Association  
and Bernard Tolbert, Index No. 08 Civ. 7888 (WHP)(RLE)

Dear Judge Pauley:

We represent Defendants National Basketball Association (“NBA”) and Bernard Tolbert (collectively, “Defendants”) in the above-referenced matter. We write, in accordance Your Honor’s Individual Practice Rule 1.E, and with the consent of Plaintiff’s counsel, to request a short adjournment of the upcoming oral argument on Defendants’ motion for summary judgment.

Pursuant to the Court’s Scheduling Order No. 2, dated June 29, 2009, oral argument on the pending motion is scheduled for September 25, 2009 at 10:15 a.m. Because defense counsel is scheduled to speak at a professional conference on September 25, to which approximately 100 guests have been invited, we respectfully request an adjournment of the oral argument until October 9, 2009. The parties have not made any previous requests to adjourn the oral argument.

We thank the Court for its consideration in this matter.

Respectfully submitted,

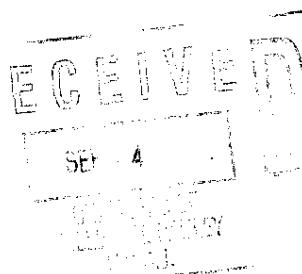
Evandro C. Gigante

cc: Derek T. Smith, Esq. (via facsimile)

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Attorney at Law

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Application Granted. The oral argument will be held on September 22, 2009 at 4:00 p.m.  
SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.  
9/16/09